THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.5509 of 2006

ORDER:

The case of the petitioner is that he is the absolute owner and possessor of the property, Municipal bearing No.3-4-392, admeasuring 105 sq.yards equivalent to 87.78 sq.mts situated at Erragadda, Hyderabad bounded by North-H.No.8-4-392, Sough-Neighbour's house, East Road, West-way.

While so, the Office of the Assistant City Planner, Town Planning Section, Circle V, MCH, Khairthabad, issued a letter No.75/ACP/C5/MCH/5/L5/21, dated 25-6-2005 informing the petitioner that the premises of the petitioner bearing No.8-4-392 is getting affected to a depth of 40' to 43' feet admeasuring 92.22 Sq.yards. If the 92.22 Sq.yards is taken away out of 105 sq.yards, only an extent of 2.78 yards will be less. It is stated that it is not possible to construct any house in the remaining land even by taking benefit of the orders of Government in G.O.Ms.No.483 MA, dated 24-8-1998.

It is the case of the petitioner that the petitioner is not only entitled to the possession for the structural valuation in respect of the affected portion, but he is also entitled to the compensation in respect of the land sought to be acquired for the purpose of road widening. It is stated that the petitioner has no objection for road widening programme, but he is he is entitled to compensation for the land as well as the structures.

Having regard to the facts and circumstances of the case, the respondent is directed to initiate proceedings for acquiring the lands either under Section 146 or by way of entering into agreement for the

payment of compensation for the structures as well as the land or if it is not possible to come to a settlement, it is open for the respondent to initiate proceedings under Section 147 for acquiring the said land for road widening.

With the above direction, the writ petition is disposed of.

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(V. ESWARAIAH, J)

Dated 21st March, 2006.

Note: Issue CC on Friday.

(B/O)

mrb